

TITLE 1. ADMINISTRATION
STATE BOARD OF ELECTIONS

Final Regulation

REGISTRAR'S NOTICE: The State Board of Elections is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 8 of the Code of Virginia, which exempts agency action relating to the conduct of elections or eligibility to vote.

Title of Regulation: **1VAC20-70. Absentee Voting (adding 1VAC20-70-60).**

Statutory Authority: § 24.2-103 of the Code of Virginia.

Effective Date: October 23, 2020.

Agency Contact: David Nichols, Director of Election Services, Department of Elections, 1100 Bank Street, Richmond, VA 23219, telephone (804) 864-8952, or email david.nichols@elections.virginia.gov.

Summary:

The regulation establishes requirements for satellite offices to be "adequate facilities" as provided in § 24.2-701.2 of the Code of Virginia, including which physical protections and cyber security protections are necessary to make voting systems safe and secure at satellite offices. The regulation also requires that each locality (i) submit a list of all expected satellite office locations and a readiness checklist for each location and (ii) conduct an internet connectivity validation test for each location and submit confirmation of connectivity.

1VAC20-70-60. Security requirements for absentee satellite offices.

A. To guarantee that their facilities are adequate for the protection of all election materials and voting systems, each locality that operates a satellite office pursuant to § 24.2-701.2 of the Code of Virginia must comply with the following:

1. Each satellite office must maintain an adequate number of ballots of each ballot style from all precincts within its locality.
2. Each satellite office must balance its voter credit records nightly by reconciling the public count with the electronic pollbook count at the end of each day.
3. Each satellite office must have reliable internet connectivity for the entire in-person absentee voting period. Here, "reliable" means that the connection meets the National Institute of Standards and Technology standards and that the likelihood of connectivity interruptions is low.
4. Computer systems at the satellite office locations will be directly connected to the Virginia Electronic Registration Information System (VERIS). Electronic pollbooks connected to the cloud or to a virtual private network (VPN) will be linked to each other across various satellite office locations as well as the General Registrar's office. Voter credit will be uploaded into VERIS at the end of each day, and updated files will be uploaded at the beginning of each day to the electronic pollbooks.
5. Each satellite office must be equipped such that it can (i) confirm that any attempted voter is eligible to vote in that election; (ii) confirm that any attempted voter has not previously voted in the election; and (iii) record each voter's participation in the election in real time.

B. To comply with these requirements, localities must submit a list of all expected satellite office locations no more than 90 days before and no less than 60 days before election day. Additionally, each locality must complete a readiness checklist for each satellite office location and submit the completed readiness checklist to the Department of Elections. The readiness checklist will be promulgated by the Department of Elections. The Department of Elections may deny a satellite office's ability to connect to VERIS or an electronic pollbook if a locality fails to timely complete the readiness checklist.

C. No later than 60 days before election day, each locality will provide the final address of each of its satellite offices to the Department of Elections. Eight days before absentee voting begins at a satellite location, the locality will conduct a test to validate internet connectivity for that location and submit confirmation of connectivity to the Department of Elections. Continued failure means that the Department of Elections will not grant the satellite office access to VERIS or authorize the use of a connected electronic pollbook. A satellite office that cannot meet these internet connectivity standards before absentee voting begins at that office may apply for an emergency location change under subsection F of § 24.2-701.2 of the Code of Virginia.

VA.R. Doc. No. R20-6377; Filed October 21, 2020, 9:57 a.m.